COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

NON-HIT SHOOTING EVALUATION

UNIT: East Los Angeles Station
DATE: August 1, 2008
TIME: 1613 hours
LOCATION: [redacted] S. La Puerta Street, Los Angeles, CA 90023
URN#: 008-10119-0278-055
IAB#: SH2225261

NATURE OF INCIDENT:

On August 1, 2008, at approximately 1613 hours, Deputies Tony Forlano and [redacted] were working 20B3, which is a Specialized Summer Enforcement Team. While driving east on Union Pacific Avenue in their marked black and white patrol car, they saw a 1995 Honda Accord directly in front of them, the vehicle did not have a rear license plate. The deputies initiated a traffic stop in order to issue the driver (later identified as Suspect [redacted]) a citation for the vehicle code violation. The Honda turned north onto La Puerta Street and began to slow down. When the vehicle reached [redacted] La Puerta Street, both the driver and the passenger (Villalobos) jumped out of the vehicle and proceeded to run from it. The vehicle continued north on La Puerta Street and collided into a Ford Escort which was parked in front of [redacted]. Both vehicles sustained minor damage.

Suspect Villalobos ran east through the driveway at [redacted]. Deputy [redacted] followed Suspect Villalobos to the entrance of the driveway and stopped after losing sight of him. Suspect [redacted] ran west down the driveway at [redacted] La Puerta Street. Deputy Forlano followed him to the carport at the rear of the location, while Deputy [redacted] followed behind him. While he was standing approximately thirty feet east of a [redacted] stretched out along the rear fence line, Deputy Forlano saw Suspect [redacted] step from behind the [redacted]. Suspect [redacted] was holding a black handgun (NFD) and pointed it at Deputy Forlano. Deputy Forlano fearing for his life, fired five rounds from his duty weapon, missing the suspect. Suspect [redacted] then proceeded to scale the fence and run west out of sight.

Deputy Forlano put out emergent radio traffic and a containment was set up. A Sheriff's K-9 unit responded and assisted in locating the suspects. They were arrested a short time later. Suspect Villalobos was found sitting on the porch at [redacted]. Suspect [redacted] was found at [redacted] which is two blocks [redacted] of the shooting incident.

A search for Suspect [redacted]s weapon met with negative results. The Honda Accord driven by Suspect [redacted] was reported stolen on July 31, 2008, out of Industry Sheriff's Station. No Deputies or suspects were injured in this incident.

The following review is based on written documentation, interviews of witnesses, and involved deputies.

INVOLVED PERSONNEL:

FORLANO, Tony, Deputy Sheriff, #[redacted]
East Los Angeles Station, Field Operations Region I

EMPLOYEE WORK HISTORY:

Date of Employment:	November 8, 1994
Date assigned to Patrol:	August 1, 1999
Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	(4) (1)10-10-2002, Com, **SH2073688,** 245 W/Vehicle, (2) 02-12-2004, Com, **SH2108994,** Fleeing Suspect, Foot Pursuit, (3) 09-12-2004, Com, **SH2128169,** Gun Take Away, (4) 11-23-2004, Com, **SH2133512,** Armed Person, Fleeing Suspect
Prior Founded Force Incidents:	[redacted]

SUSPECT'S:

[redacted]**, MH/17 yrs.** DOB: [redacted], 506, 160 lbs., Black/Brown [redacted]

Booking #1570246, CII: [redacted] FBI: [redacted]

Subject [redacted]'s criminal history consists of the arrest related to this incident, [redacted].

VILLALOBOS, Michael, MH/27 Yrs. DOB: 07-16-81, 509, 135 lbs., Black/Brown
[redacted]
Booking #1570153, CII: [redacted] FBI: [redacted]

Suspect Villalobos' criminal history consists of arrest related to this incident, [redacted].

Refer to Exhibit C, for Suspect [redacted]'s & Villalobos' Criminal History.

INVOLVED DEPUTY WITNESSES:

1. [redacted], Deputy Sheriff, Employee #[redacted]
East Los Angeles Station
Field Operations I

NON-DEPARTMENT WITNESSES:

None

INJURIES:

Suspect:

No Suspects were injured.

Deputy Personnel:

No deputy personnel were injured.

WEATHER AND LIGHTING CONDITIONS:

This incident occurred during day light. The weather was hot.

WEAPONS USED BY SUSPECT:

Described as a black semi-automatic handgun N.F.D. No weapon recovered at scene.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Tony Forlano
Service Weapon- Beretta, 92F (Serial Number BE[redacted]Z), Double Action Semiautomatic Pistol, 9mm luger
Type Of Ammunition- Winchester Range SXT 9mm Luger Ammunition.
Ammunition- Five rounds fired and ten left in the magazine.
Shell Casings- Five 9mm caliber shell casings were located at the scene.
Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon: [redacted]

All weapons were examined, test fired, and found to be functional by Firearms Examiner Deputy David Kim #[redacted]. **Lab Receipt Number J973786,** Los Angeles County Sheriff's Department- Scientific Services Bureau, Firearms Identification Section (**Refer to Exhibit D)**

INVOLVED DEPUTY (S) STATEMENTS:

Deputy Tony Forlano, Employee #[redacted],was interviewed by Sergeants Jack Ramirez and Irma Chevalier of Internal Affairs Bureau on September 16, 2008, at about 1056 hours. The following is a summary of the interview.

Deputy Forlano said he and his partner Deputy [redacted] were working 20B3 PM's. He said he was the driver and his partner was the book man. He said while they were driving east on Union Pacific Avenue, they saw a tan Honda with paper plates from a Ford dealership, violation of 5200 C.V.C. The vehicle was driving east on Union Pacific Avenue from Prado Street directly in front of them. Deputy Forlano said they also noticed the Honda was driving on the wrong side of the road, violation of 21650 C.V.C.

He said the Honda turned north onto La Puerta Street without signaling, violation of 22108 C.V.C. Deputy Forlano said they decided to stop the vehicle for the indicated vehicle code violations. He said he proceeded to put on his overhead red light in order to conduct a traffic stop and cite the driver for the indicated violations. He said there was a male Hispanic driver (later identified as Suspect [redacted]) and a male Hispanic passenger (later identified as Suspect Villalobos).

Deputy Forlano said they saw both of the male Hispanics turn and look back at them several times as their vehicle began to approach [redacted] La Puerta Street. He said suddenly both occupants simultaneously opened the front doors of the Honda. He said [redacted] exited the drivers side door and Villalobos exited the passenger door.

Deputy Forlano said Subject [redacted] ran west down the driveway of [redacted] La Puerta Avenue. He said he followed Subject [redacted] down the driveway, never closing distance, with the intention of setting up a containment. Deputy Forlano said within a few seconds he had reached the back yard. Deputy Forlano said he saw Subject [redacted] standing on a tall table which was partially hidden by a gray plastic tarp. He said Subject [redacted] was crouched down. He said Subject [redacted] suddenly began to raise a black semi automatic handgun in his direction. He said the Subject was holding the gun in his right hand. Deputy Forlano said fearing for his life, he fired one round from his Beretta. He said he fired an additional four rounds as he moved to his right. Deputy Forlano said it appeared as if Subject [redacted] fell over the west side of the fence. He said he put out emergent radio traffic and set up a containment. Deputy Forlano said he was approximately twenty-five feet from Subject [redacted] when he fired his weapon. He said his backdrop consisted of trees and brush.

Deputy Forlano said a Sheriff's K-9 unit located Subject [redacted]. He said during a field show-up, he positively identified Subject [redacted] as the driver of the Honda and the person who had pointed a firearm at him.

I.A.B. Note: Refer to Exhibit B, for Deputy Forlano's supplementary report. See transcribed copy of Deputy Forlano's interview submitted with this case file.

SUSPECT STATEMENTS:

[redacted], was interviewed by East Los Angeles Station Detective Hernandez on August 1, 2008, at about 2310 hours. Subject [redacted] denied driving the stolen Honda and being in possession of a handgun. Subject [redacted] told Detective Hernandez he took a bus from Pasadena to [redacted] and arrived at 1200 P.M. Subject [redacted] said he never left the house until he came out of the rear door where deputies were present. When Detective Hernandez advised Subject [redacted] that Deputy Forlano had identified him ([redacted]) as driving the stolen Honda and being in possession of a handgun, he only replied by saying that Detective Hernandez will have to prove his case in court. The interview was concluded.

Michael Villalobos, was interviewed on August 3, 2008, at about 1015 hours by Detective Hernandez. Suspect Villalobos said he took the wrong bus from El Monte and ended up on Indiana Street. He said Subject [redacted] pulled up in the Honda and asked him if he needed a ride. Suspect Villalobos entered the car and deputies pulled up behind them about five minutes later. He told Detective Hernandez Subject [redacted] proceeded to accelerate away from the deputies when he (Villalobos) asked Subject [redacted] to drop him off. Suspect Villalobos was not sure what streets they were on because he was unfamiliar with the area.

Suspect Villalobos told Detective Hernandez Subject [redacted] turned up a street (La Puerta Street) where both he and Subject [redacted] jumped out of the vehicle. Suspect Villalobos said he ran from the car and admitted to changing his shirt and shoes to change his appearance. Suspect Villalobos admitted that his [redacted] did not live at [redacted]. The interview was concluded.

I.A.B. Note: Refer to Exhibit B, for Detective Hernandez' Supplementary report for further details.

INVOLVED DEPUTY WITNESSES:

Deputy [redacted], Employee #[redacted], was interviewed September 16, 2008, at about 1017 hours, by Sergeants Jack Ramirez and Irma Chevalier of Internal Affairs Bureau. Deputy [redacted] said he and his Partner Deputy Forlano were going to conduct a traffic stop on a Honda for vehicle code violations which included driving on the wrong side of the rode. Deputy [redacted] said he was the book man and Deputy Forlano was driving their marked black and white unit.

Deputy [redacted] said he saw the Passenger (later identified as Suspect Villalobos) exit the Honda on the passenger side of the vehicle. He said Suspect Villalobos then ran east down the driveway of [redacted] and over the fence of the location, then south onto the property of [redacted]. Deputy [redacted] said he instinctively took a step or two in the direction of Suspect Villalobos. He said he then realized that Deputy Forlano was entering the driveway at [redacted] La Puerta Street. He said he immediately went in the same direction as Deputy Forlano. He said he was approximately twenty feet behind Deputy Forlano. Deputy [redacted] said the incident was evolving too quickly and he was unable to put out any radio traffic. He said he never lost sight of Deputy Forlano during this incident.

Deputy [redacted] said he ran through the driveway at [redacted] La Puerta Street, where he saw Deputy Forlano in the backyard. He said he saw Deputy Forlano fire one round from his duty weapon, then he saw Deputy Forlano move to his right. He said he heard an additional three to four more rounds being fired. He said he was behind Deputy Forlano during the shooting, so there was no cross fire. He said Deputy Forlano put out emergent radio traffic after the shooting. Deputy [redacted] said he identified Villalobos during a field show-up as being the same person who fled from the passenger side of the Honda. The interview was concluded.

I.A.B. Note: Refer to Exhibit B, for a copy of Deputy [redacted] Supplementary Report. A copy of his transcribed interview is submitted with this case file.

NON-DEPARTMENT WITNESSES:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Steve Hernandez, East Los Angeles Station
Court: East Los Angeles Municipal Court
Charges Filed: (2) Felony counts of 664 / 187 P.C. and (1) count of 10851 C.V.C. filed against Subject [redacted]. No charges filed against Suspect Villalobos.
Court Case Status: Pending

PROPERTY DAMAGE:

Several bullet strikes in tarp at rear of residence at [redacted] La Puerta Street.

I.A.B. Note: Refer to Exhibit D, for Deputy David Kims Supplementary Report.